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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,101	03/25/2004	Hideki Kanie	0275M-658COB	6654

27572 7590 07/16/2004

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EXAMINER

SAKRAN, VICTOR N

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,101

Applicant(s)

KANIE, HIDEKI

Examiner

VICTOR N SAKRAN

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/25/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4 and 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Asami et al U. S. Patent No. 5,568,675 in view of Wollar U. S. patent NO. 4,405,272 (both are cited by Applicant).

Asami et al discloses Applicant's claimed combination of a clip for fastening a plurality of plates members together comprising a male member (1) having a head portion (flange) (3) a shaft (4) and a protrusion (6) at the lower end of the shaft,

and a female member (2) the female member including a flange portion (ring) (10) and a step means defined by the flange for receiving the head portion (3) of the male member including a retaining portion formed at the periphery thereof and extending downwardly from said flange, a pair of opposed legs (11) extending inwardly from said flange (10) having a retaining means (17) provided at the lower end of said legs, such that in a fastened position the plates are held between the retaining means of the flange and the legs. Asami et al also teaches the use of a cutaway portion (12) of the flange (10) for receiving a tool (screwdriver) for disengaging the male member from the female member; see Figures 1-7; column 3, lines 29-39, 46-51; column 4, lines 13-19, except that the reference to Asami does not show a flat retaining portions at the end of the legs so the plates can be fastened between the flange and the retaining portions of the legs. Wollar teaches the use of a similar clip for fastening a plurality of plate members comprising a male member (7) having a flange (12) and a female member (6) having a pair legs (9) including retaining portions (22) having a flat surface formed at the end of each leg, such that when the fastener is in a fastened position the plates (11a,11b) are secured between the flange and the retaining (12) the retaining portions (22) of the legs; see Figures 1,2; column 4, lines 21-30; claims 1 and 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made by merely providing the legs in Asami et al with flat retaining portions to assist in holding the plate members between its flange and the

retaining portions in the manner taught, disclosed and suggested by Wollar, especially, since such modification involves only routine skill in the art. Furthermore, Applicant is reminded that in considering the disclosure of a reference, it is proper to take into account not only specific teaching of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom; see *In re Preda*, 401 F2d 825, 826, 159 USPQ 342,344 (CCPA1968).

Claim 5, is rejected under 35 U.S.C. 103(a) as being unpatentable over the same references as applied to claim 1, above, and further in view of Hasselbacher U. S. Patent No. 4,158,512 who discloses a female member having a pair of legs each of said legs is provided with protrusion, ribs or the like (35', 53) such that when the male member fastened with the female member as a result the protrusion or ribs are now in contact with the inner surfaces of the plates (29,30, 43,44); see Figures 2-4; column 4, lines 57-59; column 5, lines 23-29, and to further incorporate such structure by merely providing the legs in Asami et al with ribs for further securing the female member to the plates in the manner taught, disclosed and suggested by Hasselbacher it would have been obvious to one having ordinary skill in the art at the time the invention was made, especially, since the use of rib means in a clip device is conventional, well known in the art and involves only routine skill in the art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is directed to the prior art cited herein, and of record, as showing structure related to Applicant's disclosed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR N SAKRAN whose telephone number is 703-308-2224. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. swann can be reached on 703-308-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

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PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 13, 2004



VICTOR N SAKRAN
Primary Examiner
Art Unit 3677